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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,473	12/17/2001	Gregory Moulton		3633

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EXAMINER

HOOK, JAMES F

ART UNIT PAPER NUMBER

3752

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/023,473

Applicant(s)

MOULTON ET AL.

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-13, 15, 16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanao (915). The patent to Kanao discloses the recited flexible hose for carrying fluids comprising ends of the hose, the hose is in the retracted position when no tensile force is place on an end as seen in section "b", a thermoplastic cover 6 having a helical member 1,2 adhered to the covers inner surface, the helical member can carry electricity being formed of wires, the hose has peaks and valleys formed by corrugations where the valleys are virtually eliminated as seen in figure 1 when the hose is in the contracted state, the valleys are U shaped, the valleys get wider as the hose is stretched but at least the upper part of the sidewalls stays "generally" the same, where the helical wire can take many shapes and forms as seen in the various embodiments of figures 7-11, including having a second conductive wire, where the strands of wire are described in thicknesses where it is considered inherent that the thickness set forth would fall within the range of required gauge wire, where the wire can be resin coated

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copper wire where the resin is the same as used for the cover, a steel wire can also be provided 1, and the cross section of the wires in figure 8 form a shape that is a "figure 8".

Claims 1-4, 6-9, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ragner. The reference to Ragner discloses the recited flexible hose for carrying fluids comprising ends of the hose, the hose is in the retracted position when no tensile force is place on an end as seen in figures 3B-C and other figures, a thermoplastic cover 32 having a helical member 36 adhered to the cover as set forth as being molded thereto, the helical member can carry electricity being formed of metal wires including multiple wires to provide electrical power (page 3, section 0056), the hose has peaks and valleys formed by corrugations where the valleys are virtually eliminated as seen in figures 3B-C when the hose is in the contracted state, the valleys are U shaped, and the valleys get wider as the hose is stretched but at least the upper part of the sidewalls stays "generally" the same.

Claims 1-4, 6, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pavlic. The reference to Pavlic discloses the recited flexible hose for carrying fluids comprising ends of the hose, the hose is in the retracted position when no tensile force is place on an end as seen in figures 2 and 4, a thermoplastic cover 22 having a helical member 25 adhered to the cover, the helical member can carry electricity being formed of steel wires including multiple wires 27,28 to provide electrical power formed of copper or aluminum (col. 3, lines 64-75) which are either solid wires or stranded, the hose has peaks and valleys formed by corrugations where the valleys are virtually

eliminated as seen in figures 2 and 4 when the hose is in the contracted state, the valleys are U shaped, and the valleys get wider as the hose is stretched but at least the upper part of the sidewalls stays "generally" the same.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Duff (802). The reference to Duff discloses the recited flexible hose for carrying fluids comprising ends of the hose, the hose is in the retracted position when no tensile force is place on an end as seen in figure 1, a thermoplastic cover 11 having a helical member 12 adhered to the cover, the helical member can carry electricity being formed of steel wires (col. 3, lines 28-35), the hose has peaks and valleys formed by corrugations where the valleys are virtually eliminated as seen in figure 1 when the hose is in the contracted state, the valleys are U shaped, and the valleys get wider as the hose is stretched but at least the upper part of the sidewalls stays "generally" the same.

Claims 1-4, 6-9, 12, 13, 15-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimoto. The patent to Fujimoto discloses the recited flexible hose for carrying fluids comprising ends of the hose, the hose is in the retracted position when no tensile force is place on an end as seen in figures 1 and 3, a thermoplastic cover 3 having a helical member 5 adhered to the covers inner surface, the helical member can carry electricity being formed of wires, the hose has peaks and valleys formed by corrugations where the valleys are virtually eliminated as seen in figures 1 and 3 when the hose is in the contracted state, the valleys are U shaped, the valleys get wider as the hose is stretched but at least the upper part of the sidewalls stays "generally" the same, including having a second conductive wire 6, where the wire 6

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can be resin coated copper wire where the resin is the same as used for the cover, a steel wire 5 can also be provided, and the cross section of the wires in figure 1 form a shape that is a "figure 8", the wires can be stranded copper wires, or copper clad steel wires.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9, 10, 11, 13-16, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavlic in view of Kanao (915). The patent to Pavlic discloses all of the recited structure with the exception of providing a second conductive wire, setting forth the gauge of the wires, and forming the wires in a "figure 8" configuration. It would have been obvious to one skilled in the art to modify the reinforcement in Pavlic by providing a second reinforcing wire in a thermoplastic sheath and in the form of a figure 8 to provide another electrical path in the reinforcement for use with two electrical wire systems as suggested by Kanao where the use of specific gauge wires is considered an obvious choice of mechanical expedients to use routine experimentation to arrive at optimum values.

Claims 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanao (915) in view of Fujimoto. The patent to Kanao discloses all of the recited structure with the exception of using a copper clad steel wire, and setting

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forth the gauge of the steel wire. It would have been obvious to one skilled in the art to modify the reinforcement in Kanao by substituting a copper clad steel wire for the steel wire as suggested by Fujimoto to allow for better conduction of electricity, where the use of specific gauge steel wire is considered an obvious choice of mechanical expedients to use routine experimentation to arrive at optimum values.

Claims 5, 10, 11, 14, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto. The patent to Fujimoto discloses all of the recited structure with the exception of disclosing dimensions of the peaks and distances they are spaced, specific gauges of the wires used, and using stranded copper wires. It is considered obvious choices of mechanical expedients to use routine experimentation to arrive at optimum values for the intended use of the hose, including choosing the needed gauge of wire, and various sizes of the peaks and gaps to meet the needs of the user. The use of stranded copper wire over solid copper is considered old and well known, to substitute a stranded wire for a solid to achieve more flexibility. It would have been obvious to one skilled in the art to modify the copper wire in Fujimoto to be stranded copper wire to provide more flexibility, to use any gauge wire that is required for the current to be carried as such is an obvious choice of mechanical expedients, and to form the values and gaps of any size as such is merely a choice of mechanical expedients.

### ***Conclusion***

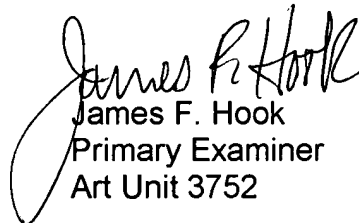
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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Rothermel, Duff (891), Sawada, Kanao (899), Kutnyak, Yamamura, and Kanao (270) disclosing state of the art wire reinforced hoses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (703) 308-2913. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

  
James F. Hook  
Primary Examiner  
Art Unit 3752

JFH